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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/611,996	07/07/2000	ALAIN MARBACH	SAA-42	6583

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EXAMINER

BAROT, BHARAT

ART UNIT PAPER NUMBER

2155

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/611,996

Applicant(s)

MARBACH ET AL.

Examiner

Bharat N. Barot

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

RESPONSE TO REQUEST FOR CONTINUED EXAMINATION (RCE)

1. Claims 1-20 remain for further examination.

The new grounds of rejection

2. Applicants' arguments and amendments with respect to claims 1-20 and request for continued examination (RCE) filed on December 02, 2005 have been fully considered but they are deemed to be moot in view of the new grounds of rejection.

Drawings

3. This application has been filed with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 112

4. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitations "the network" and "the module" which have insufficient antecedent basis for these limitations in the claims.

Regarding claim 6, the step of "transmitting a response to the intelligent automation device" renders the claim indefinite because it is unclear about the source of transmitting.

Other dependent claims, which are not specifically cited above are also rejected because of the deficiencies of their respective parent claims.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-2, 5-9, 12-13, 15, and 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Baker (U.S. Patent No. 6,782,436). Baker's patent meets all the limitations for claims 1-2, 5-9, 12-13, 15, and 17-20 recited in the claimed invention.

7. As to claim 1, Baker teaches a method of providing notification to an operator of an automation network having an intelligent automation device (monitoring apparatus/master module) and a network device located on the automation network (figures 1 and 3; column 1 lines 10-17; and column 2 lines 50-60), the method comprising the steps of: monitoring the network device by the intelligent automation device; detecting a signal within the intelligent automation device, the signal received from the network device (figures 1-2; column 3 lines 11-38; and column 4 lines 1-19); transmitting an object module human-machine interface application including data and function from by the intelligent automation device to a receiving device operably connected to the automation network; and activating the object module human-machine

interface application for notifying the operator of an event and requesting human intervention, the object module human-machine interface application being responsive to the signal (figure 2; and column 3 line 53 to column 4 line 45).

8. As to claims 2 and 5, Baker teaches that the receiving device comprises means for displaying the object module human-machine interface application (figure 1; and column 2 lines 50-60); and the intelligent automation device is a programmable logic controller (column 1 lines 31-47; and column 2 line 61 to column 3 line 10).

9. As to claim 6, Baker teaches that transmitting a response to the intelligent automation device (figure 2; and column 3 lines 11-38).

10. As to claims 7, 9, and 12, they are also rejected for the same reasons set forth to rejecting claims 1-2 and 5 above, since claims 7, 9, and 12 are merely a method of operation for the apparatus defined in the claims 1-2 and 5.

11. As to claim.8, Baker teaches that the receiving device comprises a software module t6 interact with the intelligent automation device (figure 2; and column 3 lines 11-38).

12. As to claims 13 and 15, Baker fails to teach the limitations wherein the object module using a HTML and/or an XML.

However, "Official Notice" is taken that the concept and advantages of using HTML and/or XML is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Baker by specifying the object module using a HTML and/or an XML. One would be motivated to do so to provide an extremely simple dialect of SGML suitable for use on the World-Wide Web and allow for global monitoring of network faults using the Internet.

13. As to claims 17-20, they are also rejected for the same reasons set forth to rejecting claims 7-9 and 12 above, since claims 17-20 do not teach or define any new limitations above claims 7-9 and 12.

Claim Rejections - 35 USC § 103 (a)

14. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

15. Claims 3-4 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker (U.S. Patent No. 6,782,436) in view of Mukaiyama et al (U.S. Patent No. 6,631,407)

16. As to claim 3, Baker fails to teach the limitation wherein the means for displaying the object module is a web browser.

However, Mukaiyama teaches a device management network that uses Java applet technology to report network-detected events (see abstract). Mukaiyama teaches using a browser to display an object module in a network-monitoring environment (column 5 lines 20-25).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Baker by specifying a browser in place of the local application to monitor network faults. One would be motivated to do so to allow for global monitoring of network faults using the Internet.

17. As to claim 4, Baker fails to teach the limitation wherein the object module is a Java-like program.

However, Mukaiyama teaches a device management network that uses Java applet technology to report network-detected events (see abstract). Mukaiyama teaches using a Java-like program to display network faults in a network-monitoring environment (column 5 lines 20-25).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Baker by specifying a java applet object as the application program in Baker. One would be motivated to do so to allow for real-time monitoring of network faults using the Internet.

18. As to claims 10-11, they are also rejected for the same reasons set forth to rejecting claims 3-4 above, since claims 10-11 are merely a method of operation for the apparatus defined in the claims 3-4.

19. Claims 14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker (U.S. Patent No. 6,782,436) in view of Lee et al (U.S. Patent No. 6,336,137).

20. As to claims 14 and 16, Baker fails to teach the limitation wherein the object module is a wireless application protocol (WAP) and where the object module using a WML.

However, Lee teaches a network having clients communicate with a server over a wireless network (see abstract). Lee teaches communicating using a wireless application protocol (WAP) and where the object module using a WML (column 5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Baker in view of Lee so that a wireless application protocol (WAP) and WML language objects are used for communications. One would be motivated to do so to allow wireless or thin clients efficient communication with a server.

Response to Arguments

21. Applicant's arguments have been fully considered. The examiner has attempted to answer (response) to the remarks (arguments) in the body of the Office action.

Additional References

22. The examiner as of general interest cites the following references.

- a. Irwin et al, U.S. Patent No. 6,522,934.
- b. Shteyn, U.S. Patent No. 6,199,136.
- c. Cebasek et al, U.S. Patent No. 6,104,963.
- d. Kabe, U.S. Patent No. 5,604,914.

Contact Information

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose Telephone Number is **(571) 272-3979**. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM. Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number **(571) 273-8300**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Saleh Najjar**, can be reached at **(571) 272-4006**.

Patent Examiner Bharat Barot

Art Unit 2155

January 17, 2006

Bharat Barot.
**BHARAT BAROT
PRIMARY EXAMINER**